

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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|----------------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 07-CR-30022-MJR |
| |) | |
| MARK A. HALL, |) | |
| |) | |
| Defendant. |) | |

ORDER

REAGAN, District Judge:

On March 31, 2008, Cherubim E. Hurdle, Interested Party, filed a letter, which the Court construed as a motion to file a claim. Therein, Hurdle indicated that she was “filing this Verified Claim as a business owner claiming a legal interest” in the real property regarding which the Government has filed a notice of forfeiture in this action. She requests that her business, Eggshell Dynamics Accounts Auditing Services, be made administrator over the property in order to proceed with the claims process on behalf of her “future clients.”

On April 2, 2008, the Court set a hearing on the motion for April 18, 2008. The Court warned Hurdle that failure to appear at the April 18th hearing would result in denial of the motion with prejudice. Assistant United States Attorney Thompson appeared for the hearing, but Hurdle failed to appear.

First, Hurdle’s claim is frivolous because it contains no allegations which could possibly provide any basis for relief. *Denton v. Hernandez*, 504 U.S. 25, 31 (1992) (“A claim is legally frivolous when it lacks an arguable basis either in law or in fact”). Her contention that the property at issue should be transferred to her so that she can hold it until “innocent owners or

bystanders” can be located by her is indisputably meritless and nonsensical.

Second, the Court ordered Hurdle to appear for a hearing and warned her that her motion would be denied with prejudice if she failed to appear for the duly-noticed hearing. Nonetheless, she failed to comply with the Court’s Order and did not appear.

For these reasons, the Court **DENIES with prejudice** Hurdle’s motion to file a claim (Doc. 68).

IT IS SO ORDERED.

DATED this 2nd day of May, 2008

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge